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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TIARA CONDOMINIUM ASSOCIATION,
INC., a Florida non-profit corporation, in its
own name and as agent for all owners of record
of all individual condominium parcels within
the Tiara Condominium,

Plaintiff,

Case No. 07-CIV-9392

-against-

Hon. Harold A. Baer, Jr.

MARSH & MCLENNAN COMPANIES,
INC., a Delaware corporation, MARSH, INC.,
and MARSH USA, INC.,

ELECTRONICALLY FILED

Defendants.

**DECLARATION OF MARK L. MCALPINE IN SUPPORT OF TIARA CONDOMINIUM
ASSOCIATION'S MEMORANDUM OF LAW IN RESPONSE
TO MARSH DEFENDANTS' MOTION TO TRANSFER VENUE**

I, Mark L. McAlpine, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of Michigan and am the principal of the law firm of McAlpine & Associates, P.C., counsel for plaintiff, Tiara Condominium Association ("Tiara"). I am admitted to practice *pro hac vice* before the Southern District of New York.

2. I submit this declaration to authenticate certain documents, excerpts of pleadings, deposition transcript excerpts, and exhibits relied upon by Tiara in its Memorandum of Law in Response to Marsh Defendants' Motion to Transfer Venue. I have personal knowledge of the material here identified and can attest that these are true and correct copies of deposition transcript excerpts and exhibits.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Insurance Proposal for Tiara Condominium Association, Inc. from Marsh, dated April 8, 2004.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration Page for the wind damage policy procured from Citizens Property Insurance Corporation by Marsh Defendants for Tiara.

5. Attached hereto as Exhibit 3 is a true and correct copy of a letter dated December 15, 2005 from Southern Construction Services to Tiara listing the amounts billed to Tiara for the dry-out equipment.

6. Attached hereto as Exhibit 4 is a true and correct copy of a letter dated January 5, 2005 from Neil A. Hewitt, Senior Vice President of Marsh USA, to Norm B. Adams of Tiara.

7. Attached hereto as Exhibit 5 is a true and correct copy of a letter dated August 1, 2005 from Daniel M. McNalis (attorney for Citizens Insurance) to Tiara.

8. Attached hereto as Exhibit 6 is a true and correct copy of an excerpt from Citizens Property Insurance Corporation's Counterclaims Against Plaintiff Tiara Condominium Association, filed in the matter of *Tiara Condominium Association, Inc. v. Citizens Property Insurance Corporation*, 15th Judicial Circuit Court In And For Palm Beach County, Florida, Case No. 50-2005CA007511MB.

9. Exhibits 7 and 8 are true and correct copies of lists of reported cases involving the Marsh Defendants in the State of New York (Exhibit 7), and the State of Florida (Exhibit 8). The lists were compiled by and obtained from Westlaw, and were printed on or about February 8, 2008.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts to the deposition of Louis Brindisi taken on January 4, 2008, in the matter of *Southern Construction Services, Inc. v. Tiara Condominium Association, et. al.*, 15th Judicial Circuit Court, Case No. 502006CA002638MBAD, pending in the State of Florida. In the deposition, Mr. Brindisi testified that his home address is 1003 Parkway East, Utica, New York (page 5, lines 17-21).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 18, 2008 in Auburn Hills, Michigan.

/s/ Mark L. McAlpine
Mark L. McAlpine